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A limited liability partnership formed in the State of Delaware

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Attorneys for DORA BAIRES, individually, and
on behalf the estate of JUAN CARLOS
BAIRES; and Teofilo MIRANDA, an
individual.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DORA BAIRES, et al.,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA; et al.,

Defendants.

No.: C 09-05171 CRB

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE HEARING
DATE FOR DEFENDANTS' MOTIONS
TO DISMISS**

STIPULATION AND [PROPOSED] ORDER

Pursuant to Local Rule 7-7, Plaintiffs Dora Baires and Teofilo Miranda (“Plaintiffs”) and Defendants United States of America, Janet Napolitano, John P. Torres, James T. Hayes, Nancy Alcantar, Jeffrey Sherman, Jose Rodriguez, and Timothy Shack (collectively “Federal Defendants”), through their respective counsel of record, agree and stipulate to a continuance of the hearing date on the Federal Defendants’ Motion to Dismiss as follows:

1. On June 11, 2010, the Federal Defendants filed the Individual Federal Defendants’ Notice of Motion and Motion to Dismiss Or, in the Alternative, for Summary Judgment.

2. On June 12, 2010, the Federal Defendants filed the United States’ Amended Notice of Motion and Motion to Dismiss or, in the Alternative, for Summary Judgment (“Individual Federal Defendants’ Notice of Motion and Motion to Dismiss Or, in the Alternative, for Summary Judgment” and “Amended Notice of Motion and Motion to Dismiss or, in the Alternative, for Summary Judgment” collectively herein “Motions to Dismiss”).

3. On June 12, 2010, the Federal Defendants filed a Stipulation and Proposed Order setting forth a briefing schedule for the Motions to Dismiss, proposing a hearing date of July 16, 2010.

4. On June 21, 2010, the Court entered the order setting the hearing date on the Motions to Dismiss for July 16, 2010.

5. On July 7, 2010, the Court notified the parties that it continued the hearing date on the Motions to Dismiss to August 6, 2010.

6. Jayne Fleming is the lead attorney for Plaintiffs and she will argue the motions. She will be leading a human rights mission in Haiti from July 27, 2010 through August 4, 2010. She will not return to California until August 7, 2010. Two other human-rights experts (Karen Musalo and Robert Rubin) will be part of this mission and they have already blocked out these dates and purchased their tickets for the trip. Changing the dates would pose extreme difficulty.

7. Defendants do not oppose the continuance of the hearing on their Motions to Dismiss.

8. Counsel for Defendants, Abraham Simmons, is available on August 13, 2010 and

1 August 27, 2010. Plaintiffs are also available on these dates.

2 9. The parties have fully briefed the Motions to Dismiss.

3 IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their
4 respective counsel of record that:

5 The hearing on the Federal Defendants' Motions to Dismiss be continued to August 13,
6 2010, or in the alternative, to August 27, 2010. Any continuance of the hearing date will not affect
7 any briefing deadlines, as the matter is fully briefed.

8 **IT IS SO STIPULATED**

9
10 DATED: July 8, 2010.

11 REED SMITH LLP

12 By /s/ Jayne Fleming
13 Jayne Fleming
14 Attorneys for Plaintiffs

15 DATED: July 8, 2010.

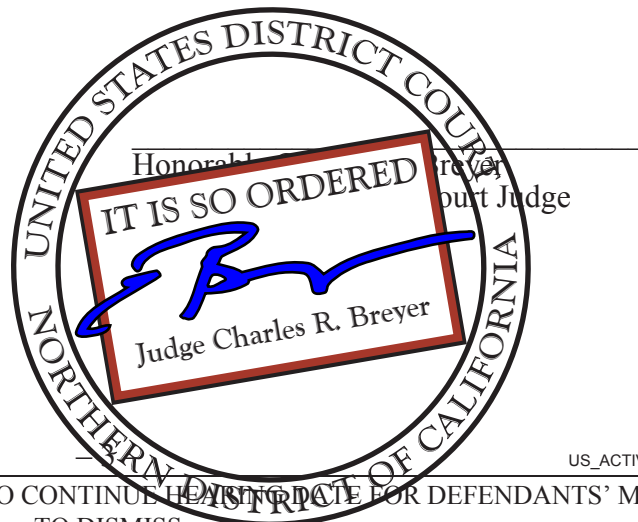
16 JOSEPH P. RUSSONIELLO

17 By /s/ Abraham Simmons
18 Abraham Simmons
19 Assistant United States Attorney

20 **[PROPOSED] ORDER**

21 IT IS SO ORDERED.

22 DATED July 12, 2010.



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